

100th ILLINOIS GENERAL ASSEMBLY LEGISLATIVE UPDATE

" TOP 30 " BILL STATUS REPORT

ACTION AS OF 8/21/2018

Bill	Sponsor	Synopsis	Suggested ICUL Position	Last Activity or Action
HB 5497	Robert Martwick, et al. Sen. John Mulroe, et al.	Amends the Illinois Credit Union Act as follows: <ul style="list-style-type: none"> Adjusts the asset threshold at which an external independent audit of credit union financial statements is required to \$10 million to reflect a CPI inflation adjustment since the \$5 million threshold was set in 1989; and enables smaller credit unions (\$5 to \$10 million in assets) to utilize a CPA agreed upon procedures analysis for better information at lower cost to address particular operational concerns, in lieu of an external audit; also gives credit unions a 120 day period after their year-end audit period to complete and deliver their external audit or agreed upon procedures reports to IDFPR. To aid in ALM and liquidity, clarifies that credit unions may issue certificates of deposit to and purchase assets of other financial institutions. Establishes a new exception in the member right to financial privacy provisions of the Act to authorize a credit union, in its discretion, to furnish a member's financial records to law enforcement, upon its written request, where there is a reasonable suspicion of an imminent threat to the personal security and safety of the member that necessitates an expedited release of the records. <p>(ICUL INITIATIVE)</p>	Support	4/23/2018 – Passed House (87-24) 5/21/2018 – Passed Senate (47-0) 8/10/2018 – Signed into law by Governor Rauner as P.A. 100-0778, eff. 8/10/2018
HB 4541	Rep. Lawrence Walsh, Jr. Sen. David Koehler	Amends the Illinois Municipal Code to update the definition of "financial institution" to explicitly authorize municipalities to borrow money from credit unions. (ICUL INITIATIVE)	Support	8/14/2018 – Signed into law by Governor Rauner as P.A. 100-0854, eff. 8/14/2018
HB 5047	Rep. Emanuel Chris Welch Sen. Don Harmon	Amends the Presumptively Void Transfers Article of the Probate Act of 1975 to establish liability protection for financial institutions when a lawsuit is filed by a family member against a caregiver. The measure provides that if the property in question is an interest in real property, a mortgagee shall take the subject property free and clear of the action challenging the transfer instrument if the transfer to the mortgagee occurs prior to the recordation of a lis pendens for an action challenging the transfer. Also protects a financial institution from liability for distributing or releasing funds in an account or other property when the transfer occurs before the financial institution's registered agent receives notice that a complaint has been filed (and the notice must include a copy of the complaint). Effective immediately. (ICUL COALITION INITIATIVE)	Support	4/27/2018 – Passed House (104-0) 5/29/2018 – Passed Senate (56-0) 6/27/2018 – Sent to the Governor
HR 826	Rep. John C. D'Amico	Urges the Illinois Secretary of State to implement a statewide electronic lien and title system. (ICUL INITIATIVE)	Support	5/10/2018 – Resolution adopted
SB 2432	Sen. John G. Mulroe, et al. Rep. Robert Martwick	Amends the Code of Civil Procedure to address the <u>Arch Bay</u> Appellate Court decision that ruled service of process in a foreclosure case was defective if the defendant's name was not on the face of the summons. The bill provides that a court's jurisdiction is not affected by a technical error in format if the summons is properly issued and served and the person served is identified as a defendant on the summons. Adds provisions protecting judicial foreclosure sale purchasers who have been in possession and paid property taxes for 2 years. Also amends the Mortgage Rescue Fraud Act to provide that it is a violation for a distressed property consultant to divide proceeds with a foreclosure defendant derived from litigation related to the foreclosure. Effective immediately. (ICUL COALITION INITIATIVE)	Support	4/24/2018 – Passed Senate (50-0) 5/30/2018 – Passed House (99-12-1) 6/28/2018 – Sent to the Governor

HB 3806 (formerly SB 3229)	Sen. Don Harmon, et al. Rep. Michael Zalewski	Amends the Revised Uniform Unclaimed Property Act (RUUPA), to provide that time deposits are presumed abandoned after 5 (instead of 3) years and clarifies when the presumptive period of abandonment begins to run; modernizes the “consolidated statement rule” to protect all deposit accounts held at the same financial institution; clarifies the standard for the reporting and delivery of time deposits to the Treasurer; provides that examinations of federal financial institutions shall occur at reasonable times and upon reasonable notice if the State Treasurer has reason to believe that the financial institution has failed to comply with the Act and provides that records obtained in such examinations are subject to the same provisions concerning use and confidentiality as records obtained in examinations of other persons. (ICUL COALITION INITIATIVE)	Support (SFA No. 3)	5/31/2018 – Passed Senate (55-0) 5/31/2018 – Motion to Concur in Rules 7/2/2018 – Re-referred to Rules
HB 4324	Rep. Emanuel Chris Welch, et al. Sen. Kimberly Lightford, et al.	Replaces everything after the enacting clause. Amends the Illinois Wage Payment and Collection Act to provide that the Department of Labor shall adjudicate claims under the Act within 30 days. Provides that the Department of Labor shall request that an employer deposit up to 10% of a disputed wage claim with the Department pending adjudication of the claim. Increases the administrative fees imposed upon an employer who has been demanded or ordered by the Department of Labor or a court to a pay wage settlement. Authorizes the placement of a judgment lien upon an employer's real estate and authorizes action under the Code of Civil Procedure for a citation or a supplementary proceeding to discover assets.	Oppose as Filed; Neutral as Amended in House; Oppose as amended in Senate	4/27/2018 – Passed House (88-3) 5/25/2018 – Passed Senate (31-18-1) 5/31/2018 – House Non-concurs
HB 4750	Rep. Michael J. Zalewski	Amends the Illinois Vehicle Code to provide that a lienholder or lessor shall be entitled to take possession of a vehicle impounded and defer payment of any applicable administrative fees upon submission by the lienholder or lessor to the municipality or its designated agent proof of ownership of the vehicle or proof of the right to possession of the vehicle. Provides that, except for municipalities with 1,000,000 or more inhabitants with a local ordinance, no vehicle shall be released to the lienholder or lessor until payment of the authorized towing and storage fees. Provides that the municipality shall provide to the lienholder or lessor an opportunity to view the vehicle within 2 business days of its request. Reduces from 35 to 10 days the period following an administrative officer impoundment decision in which to retrieve a vehicle from a towing or storage facility to avoid an abandonment determination. Effective immediately.	Oppose	4/13/2018 – House; Re-referred to Rules
HB 4922/ S B 3102	Rep. Theresa Mah, et al.; Sen. Cristina Castro Sen. Cristina Castro, et al. Rep. Theresa Mah	Amends the Consumer Fraud and Deceptive Business Practices Act to provide that it is an unlawful practice to offer to consumers at retail a rebate made on a rebate card that charges dormancy fees or other post-issuance fees. Defines terms and excludes gift cards, payroll cards, certain stored value cards and cards issued for in-store credit.	Oppose	HB 4922 4/23/2018 – Passed House (67-44) 5/17/2018 – Passed Senate (35-17) 8/3/2018 – Governor Vetoed SB 3102 4/26/2018 – Passed Senate (35-17) 5/31/2018 – House; Re-referred to Rules
HB 5046	Rep. Emanuel Chris Welch, et al.	Creates the Fair Scheduling Act to require employers to provide work schedules to employees at least 72 hours before the start of the first shift of the work schedule. Provides for reporting pay when an employee's work shift is canceled or reduced within 72 hours of the beginning of the shift and prohibits retaliation by employers when employees seek to enforce rights under the Act. Authorizes private actions for damages. Provides for administration and enforcement by the Department of Labor. Provides for monetary penalties.	Oppose	4/13/2018 – House; Re-referred to Rules
HB 5480	Rep. Christian L. Mitchell	Amends the Code of Civil Procedure to provide that the debtor's equity interest, not to exceed (i) \$10,000 (instead of \$2,400) in value, in any one motor vehicle; (ii) \$7,500 (instead of \$1,500) in value, in any implements, professional books, or tools of the trade of the debtor, and (iii) \$50,000 (instead of \$4,000) in value, in any other property is exempt from judgment, attachment, or distress for rent. Provides that in each checking or savings account held by the debtor, an amount not to exceed \$4,000, until: (1) a hearing has been held; and (2) the debtor has been given a reasonable opportunity to indicate to which personal property he or she seeks to apply the exemption for other property, at which time the debtor may protect up to \$4,000 of equity in any personal property, and the funds in a checking or savings account will either remain protected or be subject to garnishment. Provides that upon receiving a citation to discover assets, a financial institution shall not freeze the debtor's access or turn over to the judgment creditor the amount in the debtor's account that is \$4,000 or less, but shall inform the court and the judgment creditor of the exempt amount. Effective immediately.	Oppose	4/13/2018 – House; Re-referred to Rules
HB 5483	Rep. Will Guzzardi	Amends the Code of Civil Procedure to provide that a judgment may be revived by filing a petition to revive the judgment in the fifth year after its entry (instead of the seventh year after its entry, or in the seventh year after its last revival, or in the twentieth year after its entry, or at any other time within 20 years after its entry if the judgment becomes dormant). Changes the limitations period for the enforcement of certain judgments from 7 to 5 years. Effective immediately.	Oppose	4/13/2018 – House; Re-referred to Rules

HB 5484	Rep. Juliana Stratton	Amends the Code of Civil Procedure to provide that a summons issued in an action to collect a debt shall include a separate notice containing specified language regarding debtor rights. Provides that the clerk of the court shall cause the notice to be posted in courtrooms or in the hallway in front of courtrooms and be available for distribution in all courtrooms hearing cases involving debt collection matters. Effective immediately.	Oppose	5/1/2018 – House; Re-referred to Rules
HB 5485	Rep. Will Guzzardi	Amends the Code of Civil Procedure to provide that the wages, salary, commissions, and bonuses subject to collection under a deduction order, for any work week, shall be the lesser of: (1) 10% (currently 15%) of such gross amount paid for that week; or (2) the amount by which disposable earnings for a week exceed 60 (currently 45) times the statutory minimum wage in effect at the time the amounts are payable. Provides that "deduction from those earnings" includes, but is not limited to, deductions for health insurance, deductions for transportation, and pre-tax flexible spending deductions. Effective immediately.	Oppose	4/13/2018 – House; Re-referred to Rules
HB 5486	Rep. Barbara Flynn Currie	Amends the Code of Civil Procedure to provide that every individual is entitled to an estate of homestead to the extent in value of \$150,000 (instead of \$15,000) of his or her interest in real property occupied by him or her as a residence. Provides that if 2 or more individuals own property that is exempt as a homestead, the value of the exemption of each individual may not exceed his or her proportionate share of \$200,000 (instead of \$30,000) based upon percentage of ownership. Effective immediately.	Oppose	4/13/2018 – House; Re-referred to Rules
HB 5487	Rep. Barbara Flynn Currie	Amends the Code of Civil Procedure to provide that for judgments of \$50,000 or less that do not include any compensation for bodily injury or death, judgments recovered in any court shall draw interest at a rate of 2% (currently 9% or 6% if the judgment debtor is a governmental entity) per annum. Effective immediately.	Oppose	4/13/2018 – House; Re-referred to Rules
HB 5676	Rep. John C. D'Amico	Amends the Illinois Vehicle Code, the Labor and Storage Lien Act, and the Labor and Storage Lien (Small Account) Act to provide that if a towing service is induced by a payment to release a vehicle and the payment subsequently fails and remains unsatisfied for 30 calendar days after sending certified mail notice to the person or entity having made the failed payment and the registered owner, then the person having made the failed payment and the registered owner shall be jointly and severally liable to the towing service for the amount of the failed payment plus a reasonable failed payment fee and collection costs. Effective immediately.	Oppose	4/27/2018 – House; Re-referred to Rules
SB 2470	Sen. Cristina Castro	Amends the Illinois Vehicle Code to provide that no expedited application shall be accepted or processed for a corrected or duplicate certificate of title that seeks to remove a lienholder unless the applicant surrenders the last issued certificate of title with a completed lien release on the certificate of title. Provides that an expiration date of December 31 of the year in which the lien is satisfied shall be included on each certificate of title. Provides that if a recorded lienholder does not reaffirm a lien and does not respond to a request to verify a lien release letter within 7 calendar days of receipt, the Secretary of State shall process an application for corrected title for the owner of a motor vehicle.	Oppose	4/27/2018 – Senate; Re-referred to Assignments
SB 2487	Sen. Jacqueline Y. Collins	Amends the Public Funds Investment Act, the Illinois Banking Act, the Savings Bank Act, and the Illinois Credit Union Act to require any financial institution or other entity receiving public funds, with assets of at least \$100,000,000, to submit an annual report on its voluntary supplier diversity program to the Department of Financial and Professional Regulation. Sets forth provisions on what the report must include and how and when the report must be submitted.	Oppose	4/13/2018 – Senate; Re-referred to Assignments
SB 2521	Sen. Steve Stadelman	Amends the Consumer Fraud and Deceptive Business Practices Act to provide that a dealer or other creditor shall not use electronic tracking technology or starter interrupt technology in connection with the credit sale, loan, or lease of a motor vehicle unless the technology is used solely to verify and maintain the operational status of the tracking technology, to locate the vehicle for repossession, to repossess the vehicle, or to locate the vehicle to service the account or keep the account current. Requires specified conditions to be met and certain written disclosures to be made to the consumer regarding the use of the technology. Contains provisions regarding the use of the technology in a criminal investigation; damages for violations; repossession; privacy, storage, and destruction of data; and other matters. Provides that specified violations are unlawful practices within the meaning of the Act	Oppose	5/31/2018 – Senate; Re-referred to Assignments 7/1/2018 – SFA #1 Referred to Assignments
SB 2657	Sen. Emil Jones, III, et al.	Amends the Consumer Fraud and Deceptive Business Practices Act to provide that it is an unlawful practice for a person to violate a merchant agreement between a merchant and a credit card service provider. Provides that imposing a surcharge to a debit or credit card or prepaid card purchase, if those charges are prohibited by the merchant agreement, constitutes a violation.	Oppose	5/11/2018 – Senate; Re-referred to Assignments

SB 2894	Sen. Jacqueline Y. Collins, et al.	Amends the Mortgage Foreclosure Article of the Code of Civil Procedure in relation to short sales of property to provide that, if an offer to purchase either a mortgage or residential property is made by an entity with a tax-exempt filing status under Section 501(c)(3) of the Internal Revenue Code or an entity that controls, is controlled by, or is under common control with an entity with such tax-exempt filing status, no mortgagee may require, as a condition of sale or transfer to any such entity, any affidavit, statement, agreement, or addendum limiting ownership or occupancy of the residential property by the mortgagor and, if obtained, the affidavit, statement, agreement, or addendum does not provide a basis to avoid a sale or transfer nor is it enforceable against the acquiring entity or any real estate broker, mortgagor, or settlement agent named in the affidavit, statement, or addendum. Effective immediately.	Oppose	4/13/2018 – Senate; Referred to Assignments
SB 3005	Sen. Kwame Raoul, et al.	Amends the Administrative Review Law of the Code of Civil Procedure. In the definition of "administrative decision", changes references to "parties" to "persons" and provides that a person suffering a legal wrong because of an administrative decision, or adversely affected or aggrieved by an administrative decision, is entitled to judicial review of the administrative decision.	Oppose	5/3/2018 – Senate; Referred to Assignments
SB 3007	Sen. Kwame Raoul, et al.	Amends the Personal Information Protection Act to provide that a data collector required to report breaches to more than 100 Illinois residents as a result of a single breach must also report to the Attorney General. Provides that the Attorney General shall report annually to the General Assembly specified information concerning breaches of data security by February 1 of each year.	Oppose	5/3/2018 – Senate; Referred to Assignments
SB 3052	Sen. John G. Mulroe Rep. Luis Arroyo, et al.	Amends the Contractor Prompt Payment Act to prohibit the withholding of a retainage from progress payments or final payments in excess of 10% of the payment prior to completion of 50% of the contract, and 5% thereafter. Effective immediately.	Oppose	4/25/2018 – Senate; Passed (37-16-1) 5/30/2018 – House; Passed (63-48-4) 6/28/2018 – Sent to the Governor
HB 4710	Rep. Sue Scherer, et al. Sen. Steve Stadelman, et al.	Replaces everything after the enacting clause. Amends the Credit Card Marketing Act of 2009 to create the College Student Credit Card Marketing and Debt Task Force. Provides for the membership of the Task Force and that the Department of Financial and Professional Regulation shall provide technical and administrative support. Provides that the Task Force shall conduct a study on student credit card debt and report its findings and recommendations to the General Assembly on or before December 14, 2018, at which time the Task Force shall be dissolved. Effective immediately.	Oppose as Filed; Neutral as Amended	4/26/2018 – Passed House (62-42) 5/16/2018 – Passed Senate (54-0) 8/13/2018 – Governor Amendatory Veto
HB 4731	Rep. C.D. Davidsmeyer	Amends the Illinois Credit Union Act and several other Acts administered by IDFPR to define "email address of record", eliminate references to "certified mail" and provide that a chartered institution, licensee, or applicant shall provide IDFPR with an accurate and up-to-date email address. Permits IDFPR to send official notices to the chartered institution, licensee, or applicant's email address of record and provides that service to the email address of record is completed when sent. (IDFPR INITIATIVE)	Neutral	HB 4731 4/13/2018 – House; Referred to Rules SB 3060 4/23/2018 – Passed Senate (46-0) 5/18/2018 – House; Referred to Rules
HB 5139	Rep. David S. Olsen, et al. Sen. Dan McConchie	Creates the Regulatory Sandbox Act to enable persons to obtain limited access to the Illinois marketplace in order to test innovations in financial products or services. Provides requirements for approval to enter the regulatory sandbox, the application fee, and approval or denial time. Provides requirements for operating an innovation in the regulatory sandbox and extending a test period. Contains provisions regarding rules and judicial review of the administration of this Act. Effective January 1, 2019. (IDFPR INITIATIVE)	Neutral if amended (amendment not adopted)	HB 5139 4/27/2018 – Passed House (93-4) 5/11/2018 – Senate; Referred to Assignments SB 3133 5/3/2018 – Senate; Referred to Assignments
SB 3133	Sen. Dan McConchie			
SB 1246	Sen. Scott M. Bennett, et al. Rep. Kelly Burke, et al.	Amends the Code of Civil Procedure to add to the list of personal property that is exempt from judgment, attachment, or distress for rent, funds invested in an ABLE Account as defined by Section 529 of the Internal Revenue Code.	Oppose as Filed; Neutral as Amended	4/26/2018 – Passed Senate (52-0) 5/21/2018 – Passed House (100-0) 8/17/2018 – Signed into law by Governor Rauner as P.A. 100-0922, eff. 1/1/2019
SB 2385	Sen. John G. Mulroe, et al Rep. Lou Lang, et al..	Amends the Illinois Credit Union Act section addressing the confidentiality of member financial records to authorize the release of such records to the Department of Healthcare and Family Services and Department of Human Services to assist in the state's determination of Medicaid eligibility for long term nursing care. Creates a statutory consent and authorization form for the release of the records and establishes liability and indemnity protection for a credit union that discloses a member's financial records in good faith reliance on the form, if properly executed.	Oppose as Filed; Neutral as Amended	5/1/2018 – Passed Senate (53-0) 5/23/2018 – Passed House (107-0) 8/2/2018 – Signed into law by Governor Rauner as P.A. 100-0664, eff. 1/1/2019